

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

CANDACE K. SPENCER-DEY,	)	CASE NO. 1:16 CV 1223
Plaintiff,	)	JUDGE DAN AARON POLSTER
v.	)	
G.C. SERVICES,	)	<u>MEMORANDUM OF OPINION</u>
Defendant.	)	<u>AND ORDER</u>

On May 20, 2016, Plaintiff *pro se* Candace Spencer-Dey filed this *in forma pauperis* action against Defendant G.C. Services. While the Complaint is unclear, Plaintiff makes a general allegation that Defendant confiscated \$3,573.45 from her without a valid contract. She asserts conspiracy, fraud, and violation of her constitutional rights.

A cause of action fails to state a claim upon which relief may be granted when it lacks “plausibility in the complaint.” *Bell At. Corp. v. Twombly*, 550 U.S. 544, 564 (2007). A pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009). The factual allegations in the pleading must be sufficient to raise the right to relief above the speculative level on the assumption that all the allegations in the complaint are true. *Twombly*, 550 U.S. at 555. The plaintiff is not required to include detailed factual allegations, but must provide more than “an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Iqbal*, 556 U.S. at 678 (2009). A pleading that offers legal conclusions or a simple recitation of the elements of a cause of action will not meet this pleading standard. *Id.*

Principles requiring generous construction of *pro se* pleadings are not without limits. *Beaudett v. City of Hampton*, 775 F.2d 1274, 1277 (4th Cir. 1985). A complaint must contain either direct or inferential allegations respecting all the material elements of some viable legal theory to satisfy federal notice pleading requirements. *See Schied v. Fanny Farmer Candy Shops, Inc.*, 859 F.2d 434, 437 (6th Cir. 1988). District courts are not required to conjure up questions never squarely presented to them or to construct full blown claims from sentence fragments. *Beaudette*, 775 F.2d at 1278. To do so would "require ...[the courts] to explore exhaustively all potential claims of a *pro se* plaintiff, ... [and] would...transform the district court from its legitimate advisory role to the improper role of an advocate seeking out the strongest arguments and most successful strategies for a party." *Id.*

Giving the Complaint the most liberal construction, it simply does not set forth allegations remotely suggesting a valid claim for relief. This action must be and is therefore dismissed under 28 U.S.C. § 1915(e). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/Dan Aaron Polster 6/3/2016  
DAN AARON POLSTER  
UNITED STATES DISTRICT JUDGE